

in ours.

**ROSE:** Right, right.

**D/CIA:** And the answer is yes, we viewed this story that it would do damage. And I--

**ROSE:** And they listened and then went ahead with printing because they believed you were wrong, or somebody--they believed that it did not damage national security and that there were other means to find out, or whatever their rationalization was, or whatever their decision making was.

**D/CIA:** Yeah. That's correct.

**ROSE:** Okay. You also believe that, in fact, if somebody within the CIA leaks a story, and a mainstream publication, in this case, publishes it, they are, in a sense, culpable.

**D/CIA:** The CIA officer?

**ROSE:** No. No. You know, that--that's not even a question, right.

**D/CIA:** Okay. Good.

**ROSE:** Culpable in the sense that he may violate some CIA regulation or something. But if the mainstream media publishes it, they are, too. They have some--

**D/CIA:** Yes. Let me choose my words carefully, all right? And give me a minute or two to talk about this because this is very important because I don't want, me personally or my agency especially, okay, to be characterized as having a view against the free press. All right? That's simply not true. What I have said in the past, that someone who willingly breaks the trust we have given them in terms of their oath of office with regard to protecting classified information.

**ROSE:** People who leak to the press.

**D/CIA:** That's correct. They are guilty of a crime, all right? But I've also said those who pursue that information, those who decide to print that information are not without their responsibilities, right? I never said it was a crime, okay? I never said, in all cases, they must not print. But I did say there are real responsibilities here. It can erode the ability of the nation to defend itself. And so in the case of the Swift program, it does have an impact on what it is we can do.

**ROSE:** How would you solve this issue?

**D/CIA:** That's a very difficult question. And you know this may not be a problem to be solved. This may be a condition that we have to manage.

**ROSE:** But you do believe it reduces your space. You just said as much.

**D/CIA:** I did. No--it--

**ROSE:** That in as much in the Council on Foreign Relations Speech.

**D/CIA:** It does, all right? And therefore, it's my role in this debate to point that out, okay? I did not

say in my Council on Foreign Relations speech, any action should be taken against the press.

**ROSE:** But you did simply said it damages our efforts to--

**D/CIA:** It does.

**ROSE:** --do our jobs.

**D/CIA:** What I was trying to do--

**ROSE:** --is what you're saying.

**D/CIA:** What I was trying to do was to call the attention of the press and folks like yourself and others to this issue. This is not a free ride. America is made less safe when these kinds of stories are made public. Now, there may be--there may be other concerns --

**ROSE:** Would you accept the idea that there are people--reasonable people can disagree over that?

**D/CIA:** I can. But let me add, all right? We haven't talked about it. But I was going to say, but I was at NSA when we began and continued with the president identified later as the Terrorist Surveillance Program.

**ROSE:** Right, right.

**D/CIA:** All right? Even I--by the way, very comfortable with the lawfulness of the program and incredibly comfortable with the scrupulousness with which it was carried out--even I can see that there is a civil liberties issue there.

**ROSE:** Right.

**D/CIA:** What is the civil liberties issue with the Swift program?

**ROSE:** I don't know that there's a civil liberties issue there.

**D/CIA:** So, so, what would be--

**ROSE:** In other words, those--

**D/CIA:** What was the major compelling public--

**ROSE:** --debates the question you would ask is whose civil liberties are we damaging, you know, by--

**D/CIA:** By this program.

**ROSE:** By this program.

**D/CIA:** Okay, which--

**ROSE:** Which you're using to get information about the flow of funds.

**D/CIA:** Right. Which was briefed to Congress. Which did have external oversight.

**ROSE:** Right.

**D/CIA:** All the things, all the sins that were alleged in the NSA program.

**ROSE:** All right. Let me just to a couple of other things. Recently there was information about the al-Qaeda web site. Was that a big deal?

**D/CIA:** I don't know enough specifically to give you a judgment. I really don't know. I'm going to dodge the question.

**ROSE:** They fear that that got out in the public and they shut it down.

**D/CIA:** I'm familiar with the narrative, I've read the press accounts with it, but I just don't know enough about it internally to give you a judgment.

**ROSE:** All right. Let me go to wiretapping for a second. I mean, you were at the NSA before you came over here. I've heard people who work within NSA and work with the CIA say to friends of mine, not to me, but to say to people who cover those agencies, a lot of very good people, strong, patriotic people, believe that wiretapping gave them information that was important in fighting the battle against America's enemies. However, each of them said, I would have just felt better if we'd gotten a warrant. I just felt better and it didn't seem to me that that is the issue, you know, with a program for getting a warrant. That that's what ought to have happened and when that was violated, then you got into problems.

**D/CIA:** All right. Getting out of my current lane.

**ROSE:** Yeah, but your previous lane.

**D/CIA:** If history--two jobs back, as a matter of fact, in the literal meaning of that word, okay? Based on the facts of the case, until the story broke in the New York Times in December of 2005, no one who was asked to be part of this program inside the National Security Agency expressed any reservations about being part of this program. After the story broke, people who were not part of the program quite understandably concerned about what might be going on, they then had went to the NSA IG to ask questions about it. No one in the history of the program pushed back on participating in it. They believed very strongly that what they were doing was both lawful and effective and appropriate.

**ROSE:** They might have had objections, but not said it.

**D/CIA:** Well, now you have to understand, NSA is actually a very conservative culture. In fact, the core of NSA is--

**ROSE:** With a bigger budget than CIA.

**D/CIA:** I can't talk about that. NSA is a very conservative culture legally. Our lawyers at NSA were notorious for their conservatism up through the morning of September 11th, 2001. The single most consistent criticism of the NSA legal office by our congressional oversight committee was that our legal office was too conservative. Now you've talked about warrants and why didn't you go get a warrant and so on, and it's a long issue. It's one that I wish we could lay out in great detail, but let

me tell you what I said to anyone who'd care to listen during the life of this program when I briefed them on this program. And I made dozens of briefings on this program prior to the December 2005 story in the New York Times. Simple version that I gave is that FISA as currently crafted--

**ROSE:** Where you go to get the warrant?

**D/CIA:** That's correct. FISA, as currently crafted and implemented, could not give the nation the same degree of protection that was afforded by operating under the President's Article II authorities, which was what we were doing.

**ROSE:** Several questions that come up about the CIA. Your inspector general had an inquiry as to things that had happened.

**D/CIA:** Inquiry is the big and wrong word.

**ROSE:** Okay, what should it be?

**D/CIA:** Management review.

**ROSE:** A management review?

**D/CIA:** Mm-hmm.

**ROSE:** It is said, you weren't happy with that because he suggested or at least was considering the idea there might have been some criminal conduct--

**D/CIA:** No, no, no.

**ROSE:** Not true?

**D/CIA:** No, no, no, no.

**ROSE:** Not true. So were you unhappy with the results of his investigation or management review?

**D/CIA:** No. This is--

**ROSE:** Then why did we appoint somebody to look into the review? Mr. Deitz [inaudible]

**D/CIA:** The CIA IG, according to law--

**ROSE:** Right.

**D/CIA:** --operates under the overall direction of the Director of the CIA.

**ROSE:** That'd be you.

**D/CIA:** That's me. I am as responsible for the effective functioning of the IG's office as I am with any other office in the Central Intelligence Agency--

**ROSE:** And you weren't happy with it?

**D/CIA:** There are questions. There are questions about everything we do. We started this hour, yes, we do have a great intelligence service. I said yeah, we do, but we got to do a lot of things better. Well there are some things that I had questions about with regard with the IG, in terms--I had a couple reports on my desk, I looked at, said, these raise some questions in my mind. So I kept this as low key as I possibly could. I went to Bob Deitz, who was my general counsel at NSA who I brought into CIA, not as general counsel, but as a special advisor. All right? We didn't make this a federal case, almost in the literal meaning of the word. I asked Bob to organize a small team, and it was. He's got three people on it, okay. And to work with our Inspector General, John Helgerson, and to look at some of these questions that had been raised by the reports that I had in front of me. None of them were pushing back on the findings of the reports.

**ROSE:** That's the point--in no case--

**D/CIA:** In each case I acted on the findings in the report. But I wanted Bob to look at these questions and to work with John, John Helgerson, the Inspector General, to see if there was any merit in some of my concerns, and if there were, what we could do to improve the functioning of the IG, just like we want to improve the functioning of the DI, or have our National Clandestine Service or anything else. This was designed to be low key and it was low key for about five months. Bob has been doing this since April. He's doing a report out in the next week or so, not just to me, but to the IG.

**ROSE:** This conversation began with the great war that we're in, and we have to fight that war, and you want it clear, because it would hinder your effectiveness if there was misunderstanding about the CIA.

**D/CIA:** Right.

**ROSE:** That was part of the conversation at the beginning of this. With respect to the war, and with respect to al-Qaeda, what is--what is your--what can you tell us about al-Qaeda in Iraq and al-Qaeda outside of Iraq?

**D/CIA:** Al-Qaeda in Iraq, to borrow a phrase from my British friends, is at least on its back foot--

**ROSE:** Back foot. Wielding--

**D/CIA:** And may be back on another part of his body. All right? Now I don't want to overstate that, and I don't want to say it's irreversible. And I don't want to say this battle is won. We need to move on. I don't want to say any of those things. But we have had remarkable success against al-Qaeda in Iraq over the past six to twelve months, and has a telling effect on the battlefield, an effect that is statistically recognizable in what's being reported out of MNFI, General Petraeus' headquarters in Baghdad.

**ROSE:** How about al-Qaeda outside of Iraq?

**D/CIA:** Al-Qaeda outside of Iraq is a learning, adaptive organization. It is a very difficult--

**ROSE:** Regenerating is the term you used.

**D/CIA:** It is. And it's a term I'd share with you now. All right? It's been advantaged by a couple of things. Okay? The most is its ability to use that [inaudible] border region between Afghanistan and Pakistan as a safe haven to regenerate. Our National Intelligence Estimate from about three months



ago said that they had leadership, a safe haven, and what we call operational lieutenants, the kind of operational leadership that were present in the FATA, in the federally administered tribal area. So that has allowed them, in some measure, to regenerate, yes. That's true.

**ROSE:** Protected in these tribal areas which is a bafflement to a lot of people, but nevertheless, we understand the nature of that terrain.

**D/CIA:** Exactly. The terrain, the culture, the fact that no central government has exercised control over--

**ROSE:** Exactly.

**D/CIA:** Ever.

**ROSE:** There is also this. If al-Qaeda would leave Iraq tomorrow, all of them, by some means, would we still have an Iraqi war?

**D/CIA:** It would be difficult--

**ROSE:** Sectarian violence, Shia versus Sunni, because there's not a government in Baghdad that can control it or is willing to control it?

**D/CIA:** I wouldn't simplify it to that degree, all right? Al-Qaeda in Iraq has been a pernicious accelerant to the conflict. There and the fact that we have been able to put them on their back foot or somewhere else has had a remarkable effect on the level of violence throughout the country. Because we have been able to do that, because the Sunni tribes have looked into the future and they don't like it, with an al-Qaeda dominated Islamic state there. Because they have done what they have done in terms of forming alliance with us and growingly, with the government in Baghdad, we have begun to see political relationships, sectarian, inter-sectarian relationships at the local level that we probably thought were impossible.

**ROSE:** You're talking about Anbar Province and places like that.

**D/CIA:** Beyond Anbar.

**ROSE:** But it's now moving beyond--

**D/CIA:** Yes.

**ROSE:** --but it doesn't say anything, because as you know, Bob Woodward reported in his book that you were in a meeting in which others who were there have, in a sense, confirmed to Bob Woodward, accordingly, that you had a very, very negative assessment of the government and their ability, certainly over the short term, to govern, to engage in any kind of political reconciliation. No confidence. The head of the CIA.

**D/CIA:** You actually characterize my remarks better than the story in the Washington Post did. Two observations, all right? Number one, we talked about the press and responsibility and so on. I was promised confidentiality in my remarks in front of that commission. Okay? It has a chilling effect on good government when someone who is promised confidentiality has that confidentiality broken. That's fact one--put that aside. Now, let's talk about what it was I said. And I think Bob, whom I actually have talked to in the past and consider a friend, Bob quoted a metaphor that I had

used in the book which was running a marathon.

**ROSE:** Right.

**D/CIA:** And what he said was I saw no break in the future that would cause this thing to self-correct. This is a danger in relying on someone else's notes apparently for a meeting. What I said was there were no natural breaks in the future that I could see that would cause this to self-correct. Like if you recall, in the preceding years we were saying if we could just get to the Constitution, if we could just get to the national elections. It will cause a change in the political circumstances and we can expect things to get better. I said there were no longer any natural breaks. And I actually compared it--I used a lengthy metaphor at the time. I actually compared it to running the Pittsburgh marathon. It's my hometown. I ran it a couple years back. It's a hilly city.

**ROSE:** Yeah.

**D/CIA:** And I went out and drove the course the day before the race. And I noticed that at about mile 22, you had a mile and a half downhill. You get--

**ROSE:** If you got it there, you'd finish the race.

**D/CIA:** If I got it there and got to the bottom, I had three miles left of the finish, and I've run that before church on Sunday.

**ROSE:** But you're saying at that time when you--

**D/CIA:** That's a natural break.

**ROSE:** But at that time, you said you don't see the natural break, and you don't see a way to the finish at that time.

**D/CIA:** That's--I said there was no natural break. What has happened--

**ROSE:** Exactly my question.

**D/CIA:** We have created a national break with the injection of more American forces, five additional brigades into the combat equation there.

**ROSE:** You believe that?

**D/CIA:** I believe it. It is cause and effect. Now, you know, the plan that the president came up with, the plan that General Petraeus suggested was informed by the intelligence we had, all right? And we were part and parcel of the development of this strategy that led--that led to the surge. If you want to extend my marathon metaphor, just for one more round, it's as if we had a Gatorade station at Mile 22 rather than a hill. We've injected something from the outside into the process. And although we have not gotten some of the things we've talked about in the benchmarks, the oil wall, the debaath--change in the debaathification procedures and so on, there are other things happening, particularly at the local level, we discussed a few minutes ago.

**ROSE:** [inaudible] and things like that.

**D/CIA:** Exactly. At the national level, we are actually seeing some capacity growth inside the

central government.

**ROSE:** I could go on and on and on, but I'm out of my time and your time as well. I thank you very much. I hope we can do this again, and this table is here for these kinds of conversations with you and your colleagues.

**D/CIA:** Thank you, thanks for the opportunity. These are serious questions. And I know that honest men can differ about some of the policies that we judge appropriate for the nation to have in the global war on terrorism, but they have to be reasoned discussions with as many facts on the table as possible.

**ROSE:** I would only add to that that it's important, I think, for policymakers and people who are in charge of the destiny of this country to engage in a dialogue with the country, and I encourage others to do what you have done, whether it's with me or someone else. It's an important part of the process, to understand beyond just policy statements and beyond just speeches, to see people, you know, because in a sense, I believe that, you know, there are a lot of people that you can disagree with, but they see and operate on the facts as they see them, and we don't necessarily have to, in all cases, question their motivation.

**D/CIA:** Yeah.

**ROSE:** But I thank you very much for coming.

**D/CIA:** Thank you.

**ROSE:** Michael Hayden, Director of the CIA. He's had a long and distinguished career in the military. He has served as head of NSA and then was the number two person next to John Negroponte as the Director of National Intelligence and now runs the CIA. Thank you for joining us. See you next time.

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